#### IN THE UNITED STATES DISTRICT COURT

### FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	DATE FILED:
v.	:	CRIMINAL NO
RUFUS AVERY MAURICE BISHOP,	:	VIOLATIONS:

a/k/a Maurice Duffy with interstate commerce by robbery - 1 count)

a/k/a "Duffy,"

18 U.S.C. § 1951 (Interference with interstate commerce by robbery - 28

18 U.S.C. § 1951 (Conspiracy to interfere

counts)

: 18 U.S.C. § 924(c)(1)(A) (Carrying and using a firearm during and in relation to

: crime of violence - 26 counts)

18 U.S.C. § 2

: (Aiding and abetting)

## **INDICTMENT**

### **COUNT ONE**

### THE GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

- 1. The following businesses located in Philadelphia, Pennsylvania were engaged in interstate commerce:
  - a. Auto Zone located at 3900 North Broad Street;
  - b. Burger King located at 855 North Broad Street;
  - c. Burger King located at 101 East Olney Avenue;
  - d. Carolina Market located at 2709 Cecil B. Moore Avenue;

- e. Currency One Check Cashing Agency located 4244 North Broad Street;
- f. Currency One Check Cashing Agency located at 2840 W. Girard Avenue;
- g. Kentucky Fried Chicken located at 1865 Hunting Park Avenue;
- h. Kentucky Fried Chicken located at 715 Adams Avenue;
- i. Lopez Grocery located at 1540 West Butler Street;
- j. McDonald's located at 710 Adams Avenue;
- k. McDonald's located at 3100 West Allegheny Avenue;
- 1. McDonald's located at 3137 North Broad Street;
- m. McDonald's located at 3654 North Broad Street;
- n. McDonald's located at 22 West Girard Avenue;
- o. Pike Bar located at 3858 North 15<sup>th</sup> Street;
- p. Pizza Hut located at 555 Adams Avenue;
- q. Pizza Hut located at 1332 East Washington Lane;
- r. Popeye's located at 1501 North Broad Street;
- s. Popeye's located at 4211 North Broad Street;
- t. Rent-a-Center located at 4322 North Broad Street; and
- u. Temple Pizza located at 3617 North Broad Street.
- 2. From on or about November 18, 2002, to on or about July 22, 2003, in the Eastern District of Pennsylvania, defendants:

RUFUS AVERY and MAURICE BISHOP, a/k/a "Duffy," a/k/a "Maurice Duffy," conspired and agreed together, and with other persons known and unknown to the grand jury, to commit robbery, which robbery would unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in the presence of employees and patrons of the businesses set forth in paragraph 1 above, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, in violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1), and 1951(b)(3).

### MANNER AND MEANS

3. It was the part of the conspiracy that the defendants **RUFUS AVERY and MAURICE BISHOP**, and others known and unknown to the grand jury ("the conspirators"),
obtained cash totaling approximately \$112,000 and personal property through the commission of
34 armed robberies of businesses listed in paragraph 1 above, and by placing at least 134
employees and customers of those businesses in fear of physical harm.

It was further a part of the conspiracy that defendants, **RUFUS AVERY and MAURICE BISHOP,** and others known and unknown to the grand jury, committed the 34 armed robberies of the businesses listed in paragraph 1 above, as follows:

- 4. Defendant **RUFUS AVERY** and one or more of the conspirators traveled together to business establishments opened for service to the general public in Philadelphia, Pennsylvania.
- 5. Two or more of the conspirators entered the businesses with weapons, including handguns, and masks, including "doo-rags," scarves, or cloth, to cover their faces.
- 6. One or more of the conspirators threatened and intimidated the employees and customers inside the businesses at gunpoint to obtain cash and property and to prevent their victims from notifying law enforcement before they made their getaway.

- 7. While inside the businesses, one or more of the conspirators stole merchandise and cash, as well as personal items from the employees and customers.
- 8. After the armed robberies, the conspirators fled from the businesses in one or more vehicles, and met at defendant **RUFUS AVERY's** residence and other locations to split the cash and stolen merchandise among themselves.

### **OVERT ACTS**

In furtherance of the conspiracy and to effect the objects of the conspiracy, defendants

RUFUS AVERY and MAURICE BISHOP, a/k/a "Duffy," a/k/a "Maurice Duffy"

together and with others, both known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

### The November 18, 2002 Auto Zone Armed Robbery

- 1. On or about November 18, 2002:
- a. Defendant **RUFUS AVERY** and persons known to the grand jury went together to the Auto Zone located at 3900 North Broad Street in Philadelphia;
- b. Defendant **AVERY** and persons known to the grand jury entered the Auto Zone armed with handguns and wearing masks, while another person known to the grand jury served as the lookout in a waiting car;
- c. Once inside the Auto Zone, defendant **AVERY** and the other robbers pointed their guns at the employees and customers, ordered them to get onto the floor, then placed handguns to the heads of the store employees, forced them to open store cash registers,

stole approximately \$400 in cash, and fled from the store; and

d. After the robbery, defendant **AVERY** and persons known to the grand jury met at defendant **AVERY's** apartment at 5305 Boynton Street in Philadelphia, where they split the stolen cash among themselves.

### **The First Pike Bar Armed Robbery**

2. On or about November 19, 2002, defendant **RUFUS AVERY** and persons known and unknown to the grand jury entered the Pike Bar at 3858 North 15<sup>th</sup> Street in Philadelphia, armed with handguns and wearing masks, ordered the store employee not to move, stole approximately \$1,000 from the cash register, two bottles of liquor from the bar, and a cell phone from a customer to prevent him from calling the police, after which they fled.

# The Lopez Grocery Store Armed Robbery - November 21, 2002

3. On or about November 21, 2002, defendant **RUFUS AVERY** and persons known and unknown to the grand jury entered the Lopez Grocery Store located at 1540 West Butler Street in Philadelphia wearing masks, demanded money at gunpoint, and stole approximately \$1,500 and 15 cartons of cigarettes, and fled the store.

### **The Kentucky Fried Chicken Armed Robbery**

- 4. On or about November 24, 2002, defendant **RUFUS AVERY** and three persons known to the grand jury drove to the Kentucky Fried Chicken restaurant located at 1865 Hunting Park Avenue in Philadelphia, when:
- a. Defendant **RUFUS AVERY** and persons known to the grand jury entered through a side door wearing masks, while another person known to the grand jury waited for them in the get-away car;

b. Once inside the restaurant, the robbers forced the store manager to open the registers at gunpoint, stole approximately \$360, then fled.

# The 2840 Girard Avenue Currency One Check Cashing Agency Armed Robbery

- 5. On or about December 6, 2002, defendant **RUFUS AVERY** and persons known to the grand jury went together to the Currency One Check Cashing Agency located at 2840 Girard Avenue in Philadelphia, where:
- a. Defendant **AVERY** and a person known to the grand jury, wearing masks to disguise their faces, followed an employee into the Currency One Check Cashing Agency while a third person known to the grand jury acted as a look-out, and a fourth person acted as a get-away car driver;
- b. Once inside the store, defendant **AVERY** threatened an employee with a handgun and stole approximately \$13,000 from the store safe, which defendant **AVERY** placed inside a bag, and then the robbers fled in a get-away car.

# **The Rent-a-Center Armed Robbery**

6. On or about December 31, 2002, defendant **RUFUS AVERY** and persons known and unknown to the grand jury entered the Rent-a-Center store located at 4322 North Broad Street in Philadelphia wearing masks and carrying handguns, threatened the employees at gunpoint, stole approximately \$1,400 from the store and another \$20 from one of the employees, DVD players and watches from the employees, and then fled.

## **The Second Pike Bar Armed Robbery**

7. On or about January 5, 2003, defendant **RUFUS AVERY** and persons known and unknown to the grand jury entered the Pike Bar located at 3858 North 15<sup>th</sup> Street in Philadelphia

wearing masks and gloves and armed with handguns, threatened the customers in the bar, forced them at gunpoint to lay on the floor of the bar, and stole approximately \$230, a couple of bottles of liquor, and a knife, and fled.

# **The Carolina Market Armed Robbery**

8. On or about January 7, 2003, defendant **RUFUS AVERY** and a person known to the grand jury entered the Carolina Market, located at 2709 Cecil B. Moore Avenue in Philadelphia, wearing masks and carrying a silver handgun, demanded money from the store employees, stole approximately \$700, and fled.

## The First 555 Adams Avenue Pizza Hut Armed Robbery

9. On or about January 8, 2003, defendant **RUFUS AVERY** and persons known to the grand jury entered the Pizza Hut located at 555 Adams Avenue in Philadelphia wearing masks, forced the store manager at gunpoint to open the safe, stole approximately \$50, and fled.

# The First 1332 East Washington Lane Pizza Hut Armed Robbery

10. On or about January 9, 2003, defendant **RUFUS AVERY** and persons known to the grand jury went to the Pizza Hut located at 1332 East Washington Lane in Philadelphia wearing masks, entered the Pizza Hut, threatened the store employees at gunpoint, forced employees to lay down on the floor, forced the store manager to open the safe, stole approximately \$2,000, and fled in a get-away car.

### The First 715 Adams Avenue Kentucky Fried Chicken Armed Robbery

11. On or about January 14, 2003, defendant **RUFUS AVERY** and persons known to the grand jury went together to the Kentucky Fried Chicken restaurant located at 715 Adams

Avenue in Philadelphia wearing masks, when defendant **AVERY** and a person known to the

grand jury entered the restaurant, and at gunpoint stole approximately \$180, then fled in a getaway car.

## The 4211 N. Broad Street Popeyes Restaurant Armed Robbery

12. On or about January 16, 2003, defendant **RUFUS AVERY** and persons known to the grand jury entered the Popeyes restaurant located at 4211 North Broad Street in Philadelphia wearing masks, when defendant **AVERY** and a person known to the grand jury approached the manager at gunpoint, stole approximately \$1,500 from the restaurant safe, and fled.

## The 3137 N. Broad Street McDonald's Restaurant Armed Robbery

13. On or about January 21, 2003, defendant **RUFUS AVERY** and persons known to the grand jury entered the McDonald's Restaurant located at 3137 North Broad Street in Philadelphia wearing masks, ordered everyone to lie down, ordered a store employee to open the safe at gunpoint, stole approximately \$2,400 from the safe, and fled.

### The Lopez Grocery Store Armed Robbery - February 8, 2003

14. On or about February 8, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the Lopez Grocery Store located at 1540 West Butler Street in Philadelphia wearing masks, demanded money at gunpoint, and stole approximately \$380 and a pack of cigarettes, and fled the store.

### The First 3100 W. Allegheny Avenue McDonald's Restaurant Armed Robbery

15. On or about February 11, 2003, defendant **RUFUS AVERY** and persons known to the grand jury went to the McDonald's Restaurant located at 3100 W. Allegheny Avenue in Philadelphia, when defendant **AVERY** and a person known to the grand jury wearing masks over their faces and armed with a handgun, entered the restaurant, ordered an employee to open the

restaurant safe, stole approximately \$2,500, and fled in a get-away car driven by a person known to the grand jury.

### The Second 555 Adams Avenue Pizza Hut Armed Robbery

16. On or about February 19, 2003, defendant **RUFUS AVERY** and a person known to the grand jury entered the Pizza Hut restaurant located at 555 Adams Avenue in Philadelphia wearing masks, stole at gunpoint approximately \$160 from the store register and \$100, cell phones, credit cards, and other personal property from customers, and fled.

# The First 101 East Olney Street Burger King Armed Robbery

17. On or about February 23, 2003, defendant **RUFUS AVERY** and a person known to the grand jury entered the Burger King Restaurant located at 101 East Olney Avenue in Philadelphia wearing masks, when defendant **AVERY**, who was armed with a handgun, jumped over the counter, forced a store manager to open the safe, stole approximately \$1,800 from the safe and approximately \$2,200 from the cash registers, and with the other robber fled.

### The Second East Olney Street Burger King Armed Robbery

18. On or about March 1, 2003, defendant **RUFUS AVERY** and persons known to the grand jury, entered the Burger King restaurant located at 101 East Olney Avenue in Philadelphia wearing masks, when defendant **AVERY**, who was armed with a gun, stole approximately \$900 from the cash register, and fled with the other robbers.

## The 4244 North Broad Street Currency One Check Cashing Agency Armed Robbery

19. On or about March 7, 2003, defendant **RUFUS AVERY** and persons known to the grand jury went to the Currency One Check Cashing Agency located at 4244 North Broad Street in Philadelphia wearing masks, waited for a store employee to open up the store, ordered

the store employee to open the safe at gunpoint, stole at least \$8,000, and fled in two get-away cars.

## The Lopez Grocery Store Armed Robbery - April 1, 2003

20. On or about April 1, 2003, defendant **RUFUS AVERY** and a person known to the grand jury entered the Lopez Grocery Store located at 1540 W. Butler Street in Philadelphia wearing masks, ordered a store employee to lay down on the floor of the store at gunpoint, stole approximately \$300 from the cash register and 25 to 30 packs of cigarettes, and fled.

# The Lopez Grocery Store Armed Robbery - April 5, 2003

21. On or about April 5, 2003, defendant **RUFUS AVERY** and a person known to the grand jury entered the Lopez Grocery store located at 1540 W. Butler Street in Philadelphia wearing masks, when defendant **AVERY** stole approximately \$200 at gunpoint and approximately 20 packs of cigarettes while the person known to the grand jury stood by the door as a look-out, and then both fled.

# The Second 3100 Allegheny Avenue McDonald's Restaurant Armed Robbery

22. On or about April 10, 2003, defendant **RUFUS AVERY** and a person known to the grand jury entered the McDonald's Restaurant located at 3100 W. Allegheny Avenue in Philadelphia wearing masks, when defendant **AVERY**, armed with a .22 caliber handgun, jumped the counter, stole approximately \$1,500 from the safe, while the person known to the grand jury stole a cell phone from a store customer who was attempting to call 911, and then both fled in a get-away car.

### The Lopez Grocery Store Armed Robbery - April 14, 2003

23. On or about April 14, 2003, defendant **RUFUS AVERY** and a person known to

the grand jury entered the Lopez Grocery store located at 1540 W. Butler Street in Philadelphia wearing masks, when defendant **AVERY** stole approximately \$520 at gunpoint, while the person known to the grand jury acted as a lookout, and they both fled.

### **The Temple Pizzeria Armed Robbery**

24. On or about April 15, 2003, defendants **RUFUS AVERY** and **MAURICE BISHOP** entered Temple Pizzeria located at 3617 North Broad Street in Philadelphia,

Pennsylvania wearing masks, when defendant **AVERY** forced a store employee at gunpoint to open up the register, stole approximately \$500, while defendant **BISHOP** acted as a lookout, and they both fled.

# The Second 1332 East Washington Lane Pizza Hut Armed Robbery

25. On or about May 2, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the Pizza Hut located at 1332 East Washington Lane located in Philadelphia wearing masks, when defendant **AVERY** forced the store manager at gunpoint to open the safe, stole approximately \$1,700 from the two cash registers, while the person unknown to the grand jury stood by the door as a lookout, and they both fled.

### The 855 North Broad Street Burger King Armed Robbery

26. On or about May 13, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the Burger King located at 855 North Broad Street in Philadelphia wearing masks, when defendant **AVERY** ordered everyone in the restaurant to get onto the floor at gunpoint, jumped over the counter, and attempted to steal money from the cash registers, and both fled when they were unable to open the locked registers.

## The Second 715 Adams Avenue Kentucky Fried Chicken Armed Robbery

27. On or about May 15, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the Kentucky Fried Chicken restaurant located at 715 Adams Avenue in Philadelphia wearing masks, when defendant **AVERY** jumped over the counter, ordered the store manager to open the safe and the cash registers, stole approximately \$150, and he and the person acting as a lookout both fled in a stolen car.

## The Third 101 East Olney Avenue Burger King Armed Robbery

28. On or about May 21, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the Burger King restaurant located at 101 East Olney Avenue in Philadelphia wearing masks, when defendant **AVERY** forced the store manager at gunpoint to open the safe, stole approximately \$2,500, while the person unknown to the grand jury acted as a lookout, and both fled.

### The First 710 Adams Avenue McDonald's Restaurant Armed Robbery

29. On or about June 3, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the McDonald's Restaurant located at 710 Adams Avenue in Philadelphia wearing masks, when defendant **AVERY** jumped over the counter at gunpoint, ordered the store employee to open the safe, stole approximately \$900 from the safe and the cash register, while the person unknown to the grand jury acted as a lookout, and both fled.

## The 1501 North Broad Street Popeye's Armed Robbery

30. On or about June 7, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the Popeye's restaurant located at 1501 North Broad Street in Philadelphia wearing masks, when defendant **AVERY** jumped over the counter, ordered the store manager to

open the safe at gunpoint, and stole approximately \$3,000, while the person unknown to the grand jury acted as a lookout, and both fled.

### The Second 710 Adams Avenue McDonald's Armed Robbery

31. On or about June 23, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the McDonald's Restaurant located at 710 Adams Avenue in Philadelphia wearing masks, when defendant **AVERY** forced the store manager to open the safe at gunpoint, stole approximately \$500, while the person unknown to the grand jury acted as a lookout, and both fled.

## The Third 3100 West Allegheny Avenue McDonald's Armed Robbery

32. On or about June 26, 2003, defendant **RUFUS AVERY** and a person unknown to the grand jury entered the McDonald's Restaurant located at 3100 West Allegheny Avenue in Philadelphia wearing masks, when defendant **AVERY** jumped the counter, forced the store manager to open the safe at gunpoint, stole approximately \$1,400, while the person unknown to the grand jury acted as a lookout, and both fled.

### The 22 West Girard Avenue McDonald's Armed Robbery

33. On or about June 29, 2003, defendant **RUFUS AVERY** and a person known to the grand jury, entered the McDonald's Restaurant located at 22 West Girard Avenue in Philadelphian wearing masks, when defendant **AVERY** jumped the counter, forced a store employee to open the safe and turn over a black box containing approximately \$300 at gunpoint, while the person unknown to the grand jury acted as a lookout, and both fled.

### The 3654 North Broad Street McDonald's Armed Robbery

34. On or about July 22, 2003:

- a. Defendant **RUFUS AVERY** gave a handgun to two persons known to the grand jury to use in an armed robbery of the McDonald's restaurant located at 3654 North Broad Street in Philadelphia;
- b. The two persons known to the grand jury entered the McDonald's restaurant located at 3654 North Broad Street in Philadelphia, stole approximately \$1,400 at gunpoint using the gun given to them by defendant **AVERY**; and
- c. The two persons known to the grand jury fled from the restaurant to defendant **AVERY's** residence, where they gave some of the stolen money and the gun they had used in the robbery to defendant **AVERY**.

### **COUNT TWO**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.a. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about November 18, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that defendant **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$400, from the Auto Zone, located at 3900 North Broad Street in Philadelphia, Pennsylvania, in the presence of employees and customers of the Auto Zone and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the Auto Zone, by pointing a firearm at, demanding money from, and otherwise threatening them.

### **COUNT THREE**

### THE GRAND JURY FURTHER CHARGES:

- 1. Paragraph 1.a. of Count One of this Indictment is incorporated here.
- 2. On or about November 18, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

## **COUNT FOUR**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.o. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about November 19, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$1,000, and store merchandise from the Pike Bar located at 3858 North 15<sup>th</sup> Street, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of Pike Bar, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

## **COUNT FIVE**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.o. of Count One of this Indictment is incorporated here.
- 2. On or about November 19, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm, during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT SIX**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.g. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about November 24, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$360, from the Kentucky Fried Chicken restaurant located at 1865 Hunting Park Avenue, in Philadelphia, Pennsylvania, in the presence of employees of the business restaurant and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Kentucky Fried Chicken restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

## **COUNT SEVEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.g. of Count One of this Indictment is incorporated here.
- 2. On or about November 24, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

## **COUNT EIGHT**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.f. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about December 6, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$13,000 from the Currency One Check Cashing Agency, located at 2840 West Girard Avenue, in Philadelphia, Pennsylvania, in the presence of store employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Currency Check Cashing Agency, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

## **COUNT NINE**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.f. of Count One of this Indictment is incorporated here.
- 2. On or about December 6, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT TEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.t. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about December 31, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$1,400, and store merchandise from the Rent-a-Center store, located at 4322 North Broad Street, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Rent-a-Center, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

### **COUNT ELEVEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.t. of Count One of this Indictment is incorporated here.
- 2. On or about December 31, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT TWELVE**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.o. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about January 5, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$230 and store merchandise, from the Pike Bar, located at 3858 North 15<sup>th</sup> Street, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the Pike Bar, that is, by pointing a firearm at, demanding money from, and otherwise threatening the employees and customers of the Pike Bar.

### **COUNT THIRTEEN**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.d. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about January 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

unlawfully obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of cash, that is, approximately \$700, from the Carolina Market, located at 2709 Cecil B. Moore Avenue, in Philadelphia, Pennsylvania, in the presence of employees and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Carolina Market, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

### **COUNT FOURTEEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.d. of Count One of this Indictment is incorporated here.
- 2. On or about January 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT FIFTEEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.p. and 4 through 8 of Count One of this Indictment are incorporated here.
- On or about January 8, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

unlawfully obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$50, from the Pizza Hut restaurant, located at 555 Adams Avenue, in Philadelphia, Pennsylvania, in the presence of employees and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Pizza Hut, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

### **COUNT SIXTEEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.p. of Count One of this Indictment is incorporated here.
- 2. On or about January 8, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT SEVENTEEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.q. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about January 9, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

unlawfully obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$2,000 from the Pizza Hut restaurant, located at 1332 East Washington Lane, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of Pizza Hut, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

### **COUNT EIGHTEEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.q. of Count One of this Indictment is incorporated here.
- 2. On or about January 9, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT NINETEEN**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.h. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about January 14, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$180, from the Kentucky Fried Chicken restaurant, located at 715 Adams Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of Kentucky Fried Chicken, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

### **COUNT TWENTY**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.h. of Count One of this Indictment is incorporated here.
- 2. On or about January 14, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT TWENTY-ONE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.s. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about January 16, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$1,500, from the Popeye's restaurant, located at 4211 North Broad Street, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the Popeyes restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

### **COUNT TWENTY-TWO**

### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.s. of Count One of this Indictment is incorporated here.
- 2. On or about January 16, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT TWENTY-THREE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.1. and 4 through 8 of Count One of this Indictment are incorporated here.\_\_\_
- 2. On or about January 21, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$2,400, from the McDonald's restaurant, located at 3137 North Broad Street, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the McDonald's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT TWENTY-FOUR**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.1. of Count One of this Indictment is incorporated here.
- 2. On or about January 21, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT TWENTY-FIVE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.k. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about February 11, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$2,500, from the McDonald's restaurant, located at 3100 W. Allegheny Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the McDonald's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT TWENTY-SIX**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.k. of Count One of this Indictment is incorporated here.
- 2. On or about February 11, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT TWENTY-SEVEN**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.p. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about February 19, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of cash, that is, approximately \$160, from the Pizza Hut, located at 555 Adams Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the Pizza Hut, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT TWENTY-EIGHT**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.p. of Count One of this Indictment is incorporated here.
- 2. On or about February 19, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT TWENTY-NINE**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.c. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about February 23, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$4,000, from the Burger King restaurant, located at 101 East Olney Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the Burger King restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT THIRTY**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.c. of Count One of this Indictment is incorporated here.
- 2. On or about February 23, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which they he be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

#### **COUNT THIRTY-ONE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.c. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about March 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of cash, that is, approximately \$900, from the Burger King restaurant, located at 101 East Olney Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the Burger King restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT THIRTY-TWO**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.c. of Count One of this Indictment is incorporated here.
- 2. On or about March 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

#### **COUNT THIRTY-THREE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.e. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about March 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$8,000 from the Currency One Check Cashing Agency, located at 4244 North Broad Street, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of Currency One Check Cashing Agency, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT THIRTY-FOUR**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.e. of Count One of this Indictment is incorporated here.
- 2. On or about March 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT THIRTY-FIVE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.k. and 4 through 8 of Count One of this Indictment are incorporated here.\_\_\_
- 2. On or about April 10, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$1,500, and a cell phone from a store customers of the McDonald's restaurant, located at 3100 Allegheny Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the McDonald's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT THIRTY-SIX**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.k. of Count One of this Indictment is incorporated here.
- 2. On or about April 10, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

#### **COUNT THIRTY-SEVEN**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.i. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about April 14, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

RUFUS AVERY and MAURICE BISHOP, a/k/a "Duffy," a/k/a "Maurice Duffy"

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** and **BISHOP** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$520 from the Lopez Grocery Store, located at 1540 W. Butler Street, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Lopez Grocery Store, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT THIRTY-EIGHT**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.i. of Count One of this Indictment is incorporated here.
- 2. On or about April 14, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

RUFUS AVERY and MAURICE BISHOP, a/k/a "Duffy," a/k/a "Maurice Duffy"

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which they may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

### **COUNT THIRTY-NINE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.u. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about April 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

RUFUS AVERY and MAURICE BISHOP, a/k/a "Duffy," a/k/a "Maurice Duffy"

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** and **BISHOP** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$500, from Temple Pizza, located at 3617 North Broad Street, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Temple Pizzeria, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FORTY**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.u. of Count One of this Indictment is incorporated here.
- 2. On or about April 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

RUFUS AVERY and MAURICE BISHOP, a/k/a "Duffy," a/k/a "Maurice Duffy"

used and carried and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which they may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT FORTY-ONE**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.q. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about May 2, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$1,700, from the Pizza Hut, located at 1332 East Washington Lane, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Pizza Hut, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FORTY-TWO**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.q. of Count One of this Indictment is incorporated here.
- 2. On or about May 2, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT FORTY-THREE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.h. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about May 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$150, from the Kentucky Fried Chicken restaurant located at 715 Adams Avenue, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Kentucky Fried Chicken restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FORTY-FOUR**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.h. of Count One of this Indictment is incorporated here.
- 2. On or about May 15, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT FORTY-FIVE**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.c. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about May 21, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$2,500, from the Burger King restaurant, located at 101 E. Olney Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the Burger King restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FORTY-SIX**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.c. of Count One of this Indictment is incorporated here.
- 2. On or about May 21, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendants

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT FORTY-SEVEN**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.j. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about June 3, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$900, from the McDonald's restaurant, located at 710 Adams Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the McDonald's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FORTY-EIGHT**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.r. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about June 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$3,000, from the Popeye's restaurant, located at 1501 North Broad Street, in Philadelphia, Pennsylvania, in the presence of employees of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees of the Popeye's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FORTY-NINE**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.r. of Count One of this Indictment is incorporated here.
- 2. On or about June 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT FIFTY**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.j. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about June 23, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, cash, that is, approximately \$500, from the McDonald's restaurant, located at 710 Adams Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the McDonald's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FIFTY-ONE**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.j. of Count One of this Indictment is incorporated here.
- 2. On or about June 23, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

#### **COUNT FIFTY-TWO**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.k. and 4 through 8 of Count One of this Indictment are incorporated here.\_\_\_
- 2. On or about June 26, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of cash, that is, approximately \$1,400, from the McDonald's restaurant, located at 3100 West Allegheny Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the McDonald's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FIFTY-THREE**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.k. of Count One of this Indictment is incorporated here.
- 2. On or about June 26, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

# **COUNT FIFTY-FOUR**

#### THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraphs 1.n. and 4 through 8 of Count One of this Indictment are incorporated here.
- 2. On or about June 29, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

#### **RUFUS AVERY**

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that **AVERY** unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of cash, that is, approximately \$300, from the McDonald's restaurant, located at 22 West Girard Avenue, in Philadelphia, Pennsylvania, in the presence of employees and customers of the business and against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees and customers of the McDonald's restaurant, that is, by pointing a firearm at, demanding money from, and otherwise threatening them.

# **COUNT FIFTY-FIVE**

# THE GRAND JURY FURTHER CHARGES THAT:

- 1. Paragraph 1.n. of Count One of this Indictment is incorporated here.
- 2. On or about June 29, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

### **RUFUS AVERY**

knowingly used and carried, and aided and abetted in the use and carrying of a firearm during and in relation to a crime of violence for which he may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, as charged in this Indictment.

	FOREPERSON
TRICK L. MEEHAN	
ted States Attorney	